

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GUSTAVO McKENZIE,

1:13-cv-01302-HU

Plaintiff,

ORDER

v.

PAUL A. JORIZZO, M.D., et al.,

Defendants.

Mosman, Judge

Plaintiff, an inmate at Pelican Bay State Prison, brings this civil rights action pursuant to 42 U.S.C. § 1983. In the caption of his original and amended complaints, plaintiff incorrectly identifies Portland as the division where "divisional venue" lies. See LR 3-2(b) ("'divisional venue' means the division of the court in which a substantial part of the events or omissions giving rise to the claim occurred"). Defendant Medical Eye Center-Medford moves to dismiss this action on the basis that "divisional venue" lies in Medford.

Pursuant to this Court's case management plan, prisoner civil rights cases are assigned on a district-wide basis (rather than by

division). Consequently, although the Clerk of the Court assigned this case a Medford division code, the case was randomly assigned to a Portland judge. Accordingly, Defendant Medical Eye Center's motion to dismiss for improper venue (#19) is DENIED. In the event this case proceeds to trial, Defendant may move the court to transfer this matter to Medford for trial. LR 3-3(b).

IT IS SO ORDERED.

DATED this 3rd day of February, 2014.

/s/ Michael W. Mosman
Michael W. Mosman
United States District Judge